

**PROCEEDINGS OF THE MEETING OF THE HIGH
POWERED COMMITTEE HELD ON MONDAY, THE
11th DAY OF MAY, 2021 AT 4.00 P.M. THROUGH
VIRTUAL MODE.**

PRESIDED BY:

Hon'ble Shri. Justice Aravind Kumar, Judge, High Court of Karnataka & Executive Chairman, Karnataka State Legal Services Authority and chairman of High Powered Committee.

Members Present:

1. Shri. Alok Mohan, The Director General (Prisons & Correctional Services) Karnataka State.
2. Smt. Malini Krishnamurthy, Prl. Secretary (PCAS), Government of Karnataka.

(The Chairpersons and Member Secretaries of all DLSAs were present through virtual mode)

The meeting commenced at 4.00p.m. Hon'ble Sri Justice Aravind Kumar, Judge, High Court of Karnataka and Executive Chairman, KSLSA who is heading the High Powered Committee welcomed the members of the Committee and acknowledged the presence of Prl. District & Sessions Judges/Chairpersons of DLSAs, Additional District Judges and Member Secretaries of DLSAs to the meeting. It was highlighted by the Hon'ble Executive Chairman that active co-operation of district judiciary is *sine quo nou* to comply with the directions of the Hon'ble Supreme Court issued in Suo-motu W.P. (C) No. 1/2020 on 07-05-2020. Thereafter following Agenda were taken up for discussion:

Agenda No.1	Compliance of earlier meeting resolutions dated 10-05-2021.
Resolution	In compliance of the resolution passed on 10-05-2021, D.G. Prisons submitted district wise statistics of UTPs and CTPs who were released on temporary bail and parole respectively during the first wave of Covid along with the number of eligible UTPs and CTPs for being release at present. Member Secretary, KSLSA assured the committee that said statistics will be shared with all DLSAs and web hosted as per earlier resolution.
Agenda No. 2	To deliberate upon the plan of action in which the directions dated 07-05-2021 issued by Hon'ble Apex Court in suo-moto W.P. No. 1/2020 is to be implemented.
Resolution	<p>Hon'ble Executive Chairman enquired with the Judicial Officers as to what plan of action can be adopted to forthwith comply with the directions of Hon'ble Supreme Court.</p> <p>Prl. District & Sessions Judges of Davangere, Koppal, Chickmagalore, Kolar, Belagavi and Tumakuru came up with their suggestions with regard to the proposed plan of action. The Judicial Officers in the meeting provided statistics with regard to the Under Trial Prisoners (in short UTPs) who were granted temporary bail during the first wave of Covid-19 as per the recommendations of District Level Committees. The Judicial Officers assured the Committee that they will proactively work for ensuring best possible compliance of directions of Hon'ble Apex Court. Hon'ble Executive</p>

Chairman, tried to sensitize the judicial officers and at the same time alerted them that if the directions are taken lightly, performance of each districts will be placed before the Hon'ble Executive Chairman, NALSA as suggested by said Authority.

Re-Parole:

Hon'ble Executive Chairman referred to Para - 12 of the order of Hon'ble Apex Court dated 07.05.2021 and impressed upon the Member Secretaries of DLSAs regarding the resolution of the Committee dated 10-05-2021 wherein D.G. Prison had expressed his apprehensions that convicts who had already availed parole during the first wave may not opt for parole this time.

Hon'ble Executive Chairman informed the Judicial officers that directions issued by the Hon'ble Apex Court at para 12 is mandatory in nature. It was indicated that keeping in mind the apprehensions raised by D.G. Prisons, he has instructed the Member Secretaries of DLSAs and TLSCs as the case may be to personally interact with every prisoners and obtain consent from the convicts for being released on parole. Member Secretary, KSLSA was also directed to forward the earlier resolution to all the DLSAs for necessary compliance. Although the grant of parole is purely an administrative work of executive, there is no constraints for DLSAs & TLSCs in assisting the executive. In view of the directions of Hon'ble Supreme

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Court, the Member Secretaries are required to firstly obtain the list of convicts who were granted parole during first wave and try to obtain their consent for being released on parole in the standard form which will be provided by the Prison Authorities. The Member Secretary, KSLSA informed Hon'ble Executive Chairman that already a draft of the form has been prepared and forwarded by him to the D.G. Prisons. Hon'ble Executive Chairman expressed that the said standard form should be in both Kannada as well as in English.

RE-Under Trail Prisoners (UTPs)

After interaction with all the District Judges and Member Secretaries of District Legal Services Authorities, it is resolved to adopt the formula which was followed during the first wave of Covid-19 in the State for releasing the UTPs. However it is clarified by Hon'ble Executive Chairman that instead of Addl. District Judges taking up all the cases upon the recommendations of DLCs, the concerned jurisdictional court shall now consider grant of temporary bail as per extant SOPs already issued by High Court. As a first step, his Lordship called upon all the Prl. District & Sessions Judges to convene a meeting of District Level Committees (DLC) immediately atleast by tomorrow and prepare a list of UTPs who may be recommended for being released on temporary bail by the jurisdictional Court. The guidelines framed by the High Powered Committee under resolution dated

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30-03-2020 shall be *Mutatis Mutandis* be followed. For the sake of convenience, modified guidelines are reproduced below:

1. All temporary bail applications which are to be proceeded before the jurisdictional courts and it shall be decided in Court or Home Office with bare minimum staff and number of Panel Advocates as may be decided by the Secretary of DLSA.
2. A jail inmate/UTP who has been granted bail but not released as he/she is unable to furnish surety.
3. A UTP detained under Chapter VIII of Cr. P.C. i.e, u/s 107, 108, 109, 151 of Cr. P.C.
4. A UTP facing trial with an imprisonment up to seven (7) years or less, is of unsound mind and needs to be dealt under Chapter XXV of Cr. P.C.
5. Jail inmates who have failed to honour the order of 125 Cr. P.C. or in other matrimonial proceedings if in jail, may be released with or without conditions.
6. Persons undergoing civil imprisonments in connection with disobeying the orders of Civil Courts shall also be considered for release.
7. Jail Authority shall pass appropriate orders for extension of period of paroles for those convicts who are already on parole.
8. Jail inmates enlarged on temporary bail shall report to the concerned Police Station within whose jurisdiction they are residing once in 30 days.
9. The Jurisdictional court may impose other conditions which it thinks fit and appropriate, as per facts and circumstances of each case.
10. It shall be the responsibility of the DLC to identify the Jail inmates who are eligible as per the above referred guidelines and to move applications for temporary bail.

11. The details such as full name of the inmates, jail details, offence incarceration period along with date of arrest etc., shall be provided to the concerned Secretary of DLSA who in turn shall take steps for submission before jurisdictional court for grant of temporary bail.
12. The Jail Authority shall extend all assistance in pursuing such bail application by taking signature on vakalath etc., and such bail application shall be filed immediately before the Court.

For the queries raised by Prl. District and Sessions Judge, Belagavi regarding the problem of transportation of UTPs or convicts after being released on parole or bail is concerned, Hon'ble Executive Chairman said that the jurisdictional Police must take up the responsibility of the transportation of such prisoners to their respective place of residence. Hence, it was resolved that in this regard necessary directions in the form of circular shall be issued by the Department of Home, Government of Karnataka.

Hon'ble Executive Chairman directed the Member Secretary, KSLSA to obtain statistics from all DLSAs with regard to grant of bail to the UTPs on day to day basis for effective placing it before NALSA. Hon'ble Executive Chairman, KSLSA called upon the members of District Judiciary to co-ordinate with the Prison Department at District and Taluka level and take up effective steps on war footing for decongestion of prisons in compliance with the directions issued by Hon'ble Supreme Court.

Agenda No. 3	Any other subject with the permission of the Chair.
Resolution	<p>It was informed by Sri Alok Mohan, D.G. Prisons that Karnataka ranks first in video conference production of accused before Courts and he expressed his gratitude to Hon'ble High Court of Karnataka, entire judicial fraternity in general and High Powered Committee in particular. Hon'ble Executive Chairman also congratulated the members of District Judiciary for their quick adoption to the digital production of accused. Hon'ble Executive Chairman, KSLSA directed that except for first production, the physical production of accused should not be insisted by any Criminal Courts. He called upon the Prl. District Judges of Raichur and Yadgiri to take necessary steps for improving infrastructural arrangement, so that the percentage of digital production of accused through video conference gets increased.</p>

Meeting concluded with vote of thanks.



(Hon'ble Shri. Justice Aravind Kumar)

(Shri. Alok Mohan)

(Smt. Malini Krishnamurthy)

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